

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DONNIE SINGLETON**

**PETITIONER**

**V.**

**NO. 4:09CV098-P-S**

**LAWRENCE KELLY**

**RESPONDENT**

**ORDER CLOSING CASE**

This matter comes before the court, *sua sponte*, for consideration of dismissal. Donnie Singleton has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Singleton has previously unsuccessfully challenged the same state court conviction contained in the instant petition. *See Singleton v. Puckett*, No. 4:97CV120-D-B; *Singleton v. Booker*, No. 4:99CV306-B. The Petitioner has also recently had another successive petition transferred to the Fifth Circuit Court of Appeals for consideration. *See Singleton v. King*, No. 4:09CV08-P-S.

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law No. 104-132, 110 Stat. 1214) (hereinafter, the AEDPA), which was signed into law on April 24, 1996, amended habeas corpus procedure in several different ways. One of the changes dealt with second or successive writs. The AEDPA requires that before a district court considers a second or successive petition, "the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Although Singleton is seeking permission, there is no showing that Petitioner has obtained such an order.

Therefore, it is ORDERED:

- 1) this petition is DISMISSED;
- 2) the motion to proceed IFP is DENIED; and

3) this matter is CLOSED.

THIS the 30<sup>th</sup> day of September, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE